

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Larry B Weinstein
dba LBW Real Estate Holdings, LLC
dba Key Construction, LLC
dba Slinn Avenue, LLC
dba Post Office Square, LLC
dba Bernadette Properties, LLC
dba Chad Estates, LL

**LIMITED AFFIRMATION IN OPPOSITION
TO DEBTOR'S MOTION TO SELL**

Case No.: 19-23827-rdd
(Chapter 11)

Assigned to:
Hon. Robert D. Drain
Bankruptcy Judge

Debtor.

I, Courtney R Williams, Esq, am an attorney duly licensed to practice law in the Courts of this State and in the United States Bankruptcy Court for the Southern District of New York and hereby states as follows:

1. I am an attorney at law duly licensed to practice before this Court and an associate of Gross Polowy, LLC, attorneys for Specialized Loan Servicing, LLC ("Secured Creditor"), a secured creditor in this bankruptcy case in relation to real property commonly known as 32 Prospect St, Spring Valley, NY 10977 (the "Real Property").

2. The Debtor, made a Motion to Sell the real property on June 12, 2020 as docket entry 70 (the "Motion"). According to the Motion, the Debtor has a contract of sale in the amount of \$340,000. As of June 18, 2020, the payoff for Secured Creditor's lien is \$168,897.50 and thus it appears that Debtor intends to pay the lien in full. Accordingly, this affirmation is in response to Debtor's Motion seeks adequate protection for its lien pursuant to 11 U.S.C. § 363.

3. 11 U.S.C. § 363(e) provides grounds for the Secured Creditor to seek adequate protection for its lien when a §363 sale is contemplated. Secured Creditor respectfully requests adequate protection within the language of 11 U.S.C. §363(e) through the addition of language in any order approving a sale that states in

substance as follows:

“ORDERED, that the Debtor is required and directed to pay the lien serviced by Specialized Loan Servicing, LLC its full lien amount at a closing of the sale or within 10 days of such closing, and said closing is to be held within 45 days of the instant Order, and full payment of Specialized Loan Servicing, LLC’s lien shall be made as per the terms of a valid and up to date payoff letter/correspondence obtained from Specialized Loan Servicing, LLC, or its attorneys or agents.”

WHEREFORE, Secured Creditor respectfully requests that any Order approving the prospective sale contain the above-elaborated language that provides Secured Creditor with adequate protection pursuant to 11 U.S.C. §363€ together with such other, further and different relief as the Court may deem just in this matter.

DATED: June 26 2020
Williamsville, New York

Yours, etc.

By: /s/ Courtney R Williams
Courtney R Williams, Esq.
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